

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SURFACE SUPPLIED, INC.,

No. C-13-0575 MMC

Plaintiff,

**ORDER VACATING SEPTEMBER 20,  
2013, HEARING ON MOTION TO  
DISMISS COUNTER-DEFENDANT'S  
SECOND AND THIRD COUNTERCLAIMS  
AND MOTION TO STRIKE**

v.

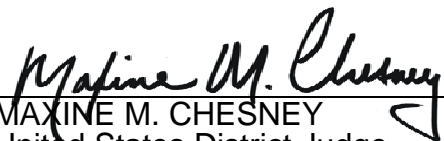
KIRBY MORGAN DIVE SYSTEMS, INC.,

Defendant.

Before the Court is counterclaimant Kirby Morgan Dive Systems, Inc.'s "Motion to Dismiss Counter-Defendant's Second and Third Counterclaims . . . and Motion to Strike Counter-Defendant's Affirmative Defenses," filed August 16, 2013. Counter-defendant Surface Supplied has filed opposition to the motion, to which Kirby Morgan has replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court deems the matter suitable for decision thereon, and VACATES the hearing scheduled for SEPTEMBER 20, 2013.

**IT IS SO ORDERED.**

Dated: SEPTEMBER 17, 2013

  
MAXINE M. CHESNEY  
United States District Judge